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Page 4**REMARKS**

By this Amendment, claims 1, 3 and 5 are amended to clarify the patentable features of the invention and to correct minor discrepancies. Claims 2, 4 and 6 remain as previously presented in the Substitute Specification filed on June 23, 2004 and/or the response to the first Office Action filed on July 7, 2005. As a result, claims 1-6 remain pending in the application.

Response To Arguments

Pursuant to paragraphs 1 and 2 of the Office Action, the rejection to claim 1-6 and the objection to claim 2 have been withdrawn in view of Applicant's arguments. Applicant gratefully acknowledges the Examiner's withdrawal of the previous rejection and objection.

Drawings

Pursuant to paragraph 3 of the Office Action, the drawings submitted with the response filed on July 7, 2005 are accepted. Applicant gratefully acknowledges the Examiner's indication that the drawings are now acceptable.

Claim Rejections – 35 USC § 103

Pursuant to paragraphs 4-7 of the Office Action, claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable (i.e., obvious) over U.S. Patent 5,142,607 (Petrotta et al.) in view of U.S. Patent 6,249,632 (Wittmeier II et al.). The Examiner asserts that Petrotta et al. teach "a splicing cassette management system comprising two splicing cassettes 34 which on a splicing cassette holder 31 mounted on a withdrawable mounting device 20." The Examiner further asserts that "[t]he cassettes, the holder, and the withdrawable mounting device can be moved together on a first plane." The Examiner readily admits that Petrotta et al. do not teach that the splicing cassette holder can be pivoted from the first plane to a second plane." However,

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the Examiner asserts that Wittmeier II et al. teach a splicing cassette management system including a plurality of splice organizers 45 on top of a slack storage holder 30 wherein the bottom splicing cassette can be physically attached to the slack storage holder so that the slack storage holder holds the splicing cassettes. The splicing organizers and the slack storage holder have a pivoting device mounted on one of its sides. Therefore, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assembly of Petrotta et al. by replacing the splicing cassettes and holder with the pivotable cassette and holder assembly as taught by Wittmeier II et al. by attaching the pivoting device to the base of the withdrawable mounting device in order to facilitate access to the various parts of the system. See Office Action at pages 2-3.

Applicant respectfully traverses the rejection. Contrary to the Examiner's assertions, the combination of references does not identically teach or even arguably suggest the claimed invention. The splicing cassette management system of the present invention is characterized by three (3) separate movements. First, ALL of the splicing cassettes 21 together with the splicing cassette holder 20 mounted on the mounting device 18 move linearly with the mounting device in a first plane determined by the guide rails 17. Second, the splicing cassette holder 20 together with ALL of the splicing cassettes 21 rotate about a pivot 23 from the first (e.g., horizontal) plane to a second (e.g., vertical) plane (FIG. 3). Third, EACH of the splicing cassettes 21 are pivotably mounted on the splicing cassette holder 21 and rotate independently relative to the splicing cassette holder 21 and the mounting device 18. It should be noted that Petrotta et al. teach a splicing cassette holder 31 for mounting a plurality of splicing cassettes 34 on a linearly movable mounting device 20. However, the splicing cassette holder 31 together with the splicing cassettes 34 do not rotate relative to the mounting device 20 and the splicing cassettes 34 do not rotate relative to the splicing cassette holder. Thus, Petrotta et al. do not teach the second or the third movements. On the other hand, Wittmeier et al. teach a plurality of splicing cassettes 45 and a slack storage holder 30 that are EACH pivotably mounted on a support 25 and rotate independently relative to the support 25. The splicing cassettes 45 are NOT pivotably mounted to the slack storage holder 30 and DO NOT share a common pivot such that the slack storage holder 30 and the splicing cassettes 45 rotate TOGETHER about the pivot from a first plane to a

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second plane. Thus, Wittmeier et al. do not teach the first or the second movement, and only arguably teach the third movement.

Furthermore, Wittmeier et al. do not teach a *splice cassette holder* according to the invention. Regardless whether the support 25 or the slack storage holder 30 is considered the splice cassette holder, neither the support 25 nor the slack storage holder 30 rotate together with the splicing cassettes 45 from the first plane to a second plane. If the bottom splicing cassette 45 is physically attached to the slack storage holder 30 as suggested by the Examiner, neither the bottom splicing cassette (by definition) nor the remaining splicing cassettes are rotatably mounted to the slack storage holder 30. In any event, modifying Wittmeier et al. as proposed by the Examiner goes well beyond the teaching of the references as a whole. The Examiner is merely using hindsight based on the disclosure of the *present invention* to reconfigure the support 25, the slack storage holder 30 and the splice organizers 45 of Wittmeier et al. in a manner such that modifying Petrotta et al. with the reconfigured structure of Wittmeier et al. might *potentially* render the claimed invention obvious. Such use of hindsight, however, is impermissible to support an obviousness rejection. The references themselves, when considered as a whole, must render the claimed invention obvious and there must be some teaching, motivation or suggestion in the prior art to combine the references in the proposed manner. Not only is there no such teaching, motivation or suggestion *in the prior art*, the combination proposed by the Examiner does not meet all of the limitations of the claimed invention. Therefore, independent base claim 1 is patentable for at least the foregoing reasons. Claims 2-6 depend directly or indirectly from patentable base claim 1, and thus, are likewise allowable for at least the same reasons. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1-6 under 35 U.S.C. 103(a).

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Page 7**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner to withdraw the rejection to the claims, and to reconsider the application as amended herein. This Amendment is timely filed, fully responsive to the Office Action and places the application in condition for immediate allowance. Accordingly, Applicant respectfully requests the Examiner to issue a Notice of Allowability for the pending claims 1-6. Applicant encourages the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in more independent or total claims than paid for previously (i.e., 1 independent claim and 6 total claims). Accordingly, **no fee for excess claims is believed to be due.** The Examiner is hereby authorized to any fee due in connection with the filing of this response, including any excess claims fee, to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



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